

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
S/S Seneca Road, 79 ft. E of c/1 of Chestnut Road  
1106 Seneca Road  
15th Election District  
5th Councilmanic District  
Robert Sylvia, et al  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback (attached garage) of 28 ft. in lieu of the required 50 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING  
Date 9/23/91  
By [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of Sept. 1991 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback (attached garage) of 28 ft. in lieu of the required 50 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the attached structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
4. There shall be no service garage work performed within the structure or on the subject property at any time.
5. Pursuant to the Zoning Advisory comments from the Department of Environmental Protection and Resource Management (DEPRM) dated 8/23/91, the subject structure must be a minimum of 20 ft. from the septic system.

ORDER RECEIVED FOR FILING  
Date 9/23/91  
By [Signature]

6. Prior to the issuance of any permits, the Petitioners shall record a copy of this Order in the Land Records of Baltimore County. A copy of the recorded Order shall be submitted to the Zoning Commissioner's office for inclusion in the case file.

[Signature]  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING  
Date 9/23/91  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

September 20, 1991

Mr. Robert Sylvia  
Ms. Judith Keller  
1106 Seneca Road  
Baltimore, Maryland 21220

RE: Petition for Residential Zoning Variance  
Case No. 92-65-A

Dear Mr. Sylvia and Ms. Keller:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

[Signature]  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
encl.  
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1A04.3B3 - To allow a side yard setback of 28' in lieu of the required 50' for an attached garage.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

To protect our cars from damage from soot from BGE power plant across from Seneca Creek. Only practical location due to existing driveway.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Robert Sylvia  
(Type or Print Name)  
+ Robert M. Sylvia  
Signature  
Judith Keller  
(Type or Print Name)  
Judith Keller  
Signature

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners:

(Type or Print Name)

Signature

Address

Attorney's telephone number

1106 Seneca Rd 335-6507  
Address Phone  
Baltimore, MD 21220  
City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser, or representative to be contacted:  
Robert M. Sylvia  
Name  
Address  
Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of Aug. 1991, that the subject matter of this petition be posted on the property on or before the 01st day of Sept. 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_ day of \_\_\_, 19\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County.

ORDER RECEIVED FOR FILING

Date

By

REVIEWED BY: DATE:



ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1106 Seneca Road, Baltimore, Md. 21220

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

To protect our cars from damage from soot from BGE power plant across from Seneca Creek. Only practical location due to existing driveway.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Robert M. Sylvia  
AFFIANT (Handwritten Signature)

Robert M. Sylvia  
AFFIANT (Printed Name)



Judith Keller  
AFFIANT (Handwritten Signature)

Judith Ann Keller  
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of August, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ROBERT M SYLVIA + JUDITH ANN KELLER

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 13, 1991  
DATE

[Signature]  
NOTARY PUBLIC

My Commission Expires: NOV 1, 1994

PROPERTY DESCRIPTION

92-65-A

1106 Seneca Rd, Baltimore, Md. 21220. This property is located on the east side of Seneca Road, between Chestnut Road and 11th Avenue. The property is a single lot, 1106 Seneca Rd, and is currently zoned R-1. The property is owned by Robert M. Sylvia and Judith Ann Keller. The property is being sold to a new owner, and the new owner is requesting a variance from the zoning regulations to allow a side yard setback of 28 feet in lieu of the required 50 feet. The property is being sold to a new owner, and the new owner is requesting a variance from the zoning regulations to allow a side yard setback of 28 feet in lieu of the required 50 feet.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 8/19/91  
Posted for: Variance  
Petitioner: Robert Sylvia et al  
Location of property: 1106 Seneca Rd, 11th E of Chestnut Rd  
Location of Sign: Facing Seneca Rd, between 10th and 11th Ave  
Remarks: no other property by the owner  
Posted by: [Signature] Date of return: 8/29/91  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: Account: R-001-6150  
Number:

CRITICAL AREA

PUBLIC HEARING FEE: \$25.00  
ADVERTISING FEE: \$25.00  
ADVERTISING SIGN: \$25.00  
TOTAL: \$75.00

Please Make Check Payable to: Baltimore County  
BA 001138AND8-15-91 \$60.00

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3354

September 4, 1991

Mr. & Mrs. Robert Sylvia  
1106 Seneca Road  
Baltimore, MD 21220

RE: Item No. 76, Case No. 92-65-A  
Petitioner: Robert Sylvia, et ux  
Petition for Residential Variance

Dear Mr. & Mrs. Sylvia:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3354

Your petition has been received and accepted for filing this 9th day of August, 1991.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Robert Sylvia, et ux  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

August 23, 1991

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #76, Zoning Advisory Committee Meeting of August 27, 1991, Robert Sylvia, et al, S/S Seneca Road, 79' E of centerline Chestnut Road (#1106 Seneca Road), D-15, Private Sewer and Public Water.

COMMENTS ARE AS FOLLOWS:

Any permanent building structure must be a minimum of 20 feet from the septic system.

SSF:rmp  
76ZNG/GWRMP

RECEIVED  
AUG 28 1991  
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 4, 1991  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for August 27, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 53, 62, 64, 65, 66, 68, 70, 71, 72, 75, 76, 77, 78, 79 and 80.

For Item 67, this site must be submitted through the minor subdivision process for review and comment.

For Item 69, if maintenance or repair is required on the existing 16-inch drain along the west property line, Baltimore County may require the removal of the cap port at the owner's expense.

For Item 74, this site is subject to the previous minor subdivision comment.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E.  
Developers Engineering Division

RWB:s

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

SEPTEMBER 16, 1991

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: ROBERT SYLVIA  
Location: #1106 SENECCA ROAD  
Item No.: 76 Zoning Agenda: AUGUST 27, 1991

Centlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *James E. Dyer* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/REK

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: October 3, 1991

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 27, 1991

This office has no comments for item numbers 53, 64, 65, 66, 67, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79 and 80.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJP/lvd

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

September 30, 1991

TO: ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,  
DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 76  
PROPERTY OWNER: Robert Sylvia, et al  
LOCATION: S/S Seneca Road, 79' E of centerline  
Chestnut Road(31106 Seneca Road)  
ELECTION DISTRICT: 15th  
COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) RAMPS (degree slope)  
( ) NUMBER PARKING SPACES ( ) CURB CUTS  
( ) BUILDING ACCESS ( ) SIGNAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

(X) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 ( BALTIMORE COUNTY BUILDING CODE).

( ) OTHER - And the Federal Emergency Management Agency - National Flood Insurance program (regulations for flood plain management and flood hazard identification).

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 13, 1991  
Zoning Administration and  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: HELBING Property, Item No. 53  
Smith Property, Item No. 64  
McClure Property, Item No. 65  
Boehnlein Property, Item No. 66  
Marx Property, Item No. 68  
Buie Property, Item No. 69  
Pulaski Property, Item No. 70  
Wollschlager Property, Item No. 72  
Bray Property, Item No. 74  
Graves Property, Item No. 75  
Sylvia Property, Item No. 76  
Long Property, Item No. 78  
Pearl Property, Item No. 79  
Casey Property, Item No. 80  
Edwards Property, Item No. 81  
Tyson Property, Item No. 85  
Skidmore Property, Item No. 88  
Williams Property, Item No. 89  
Restivo Property, Item No. 90  
Didier Property, Item No. 97  
Wesolowski Property, Item No. 102  
Griffin Property, Item No. 103  
Buxwin Property, Item No. 104  
Ghent Property, Item No. 110  
Lingg Property, Item No. 111  
Bates Property, Item No. 112  
Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM47/TXTROZ



111 West Chesapeake Avenue  
Towson, MD 21204

August 21, 1991

887-3353

Robert M. Sylvia and Judith A. Keller  
1106 Seneca Road  
Baltimore, Maryland 21220

**COPY**

Re: CASE NUMBER: 92-65-A  
LOCATION: S/S Seneca Road, 75' E of c/l Chestnut Road  
1106 Seneca Road

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 1, 1991. The closing date is September 16, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief; (b) deny the requested relief; or (c) demand that the matter be set for a public hearing. We will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be posted and notice of the hearing will appear in two local newspapers. Charges related to the posting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

T. G. Stephens  
(301) 887-3351

**Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing**  
PROPERTY ADDRESS: 1106 Seneca Road see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: \_\_\_\_\_  
plat book # 7, folio # 13, lot # 188, section # \_\_\_\_\_

OWNER: Robert Sylvia / Judith Keller

Seneca Rd.

Front # 1106

38' \* 32' \* 60' \* 30'

38' \* 32' \* 60' \* 30'

Roof Height of Proposed Same as Existing (15')

Existing 30' Dwelling 60'

#112 Existing Dwelling

386'

258' (3067')

North

date: 8-8-91

prepared by: \_\_\_\_\_

Scale of Drawing: 1" = 50'

CRITICAL AREA

92-65-A

Chestnut

Seneca Rd

Vicinity Map  
scale: 1"=1000'

LOCATION INFORMATION

Councilmanic District: 5

Election District: 15

1"=200' scale map: NE 2L

Zoning: RCS

Lot size: 1.28 acres > 55,050 square feet

SEWER: ☐ ☒ ☐

WATER: ☐ ☒ ☐

Chesapeake Bay Critical Area: ☒ ☐

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE #: \_\_\_\_\_

LG 76

CASE NUMBER

**92-65-A**

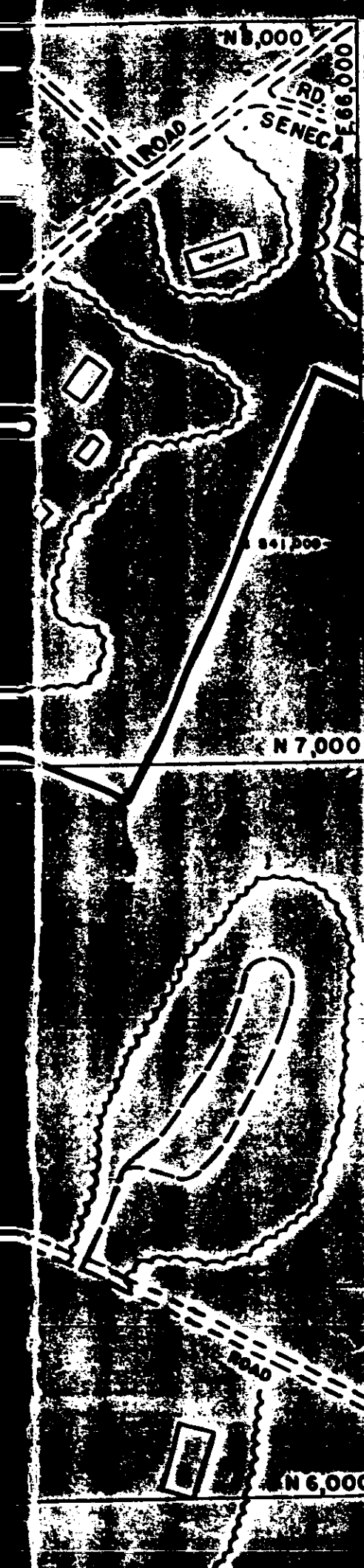
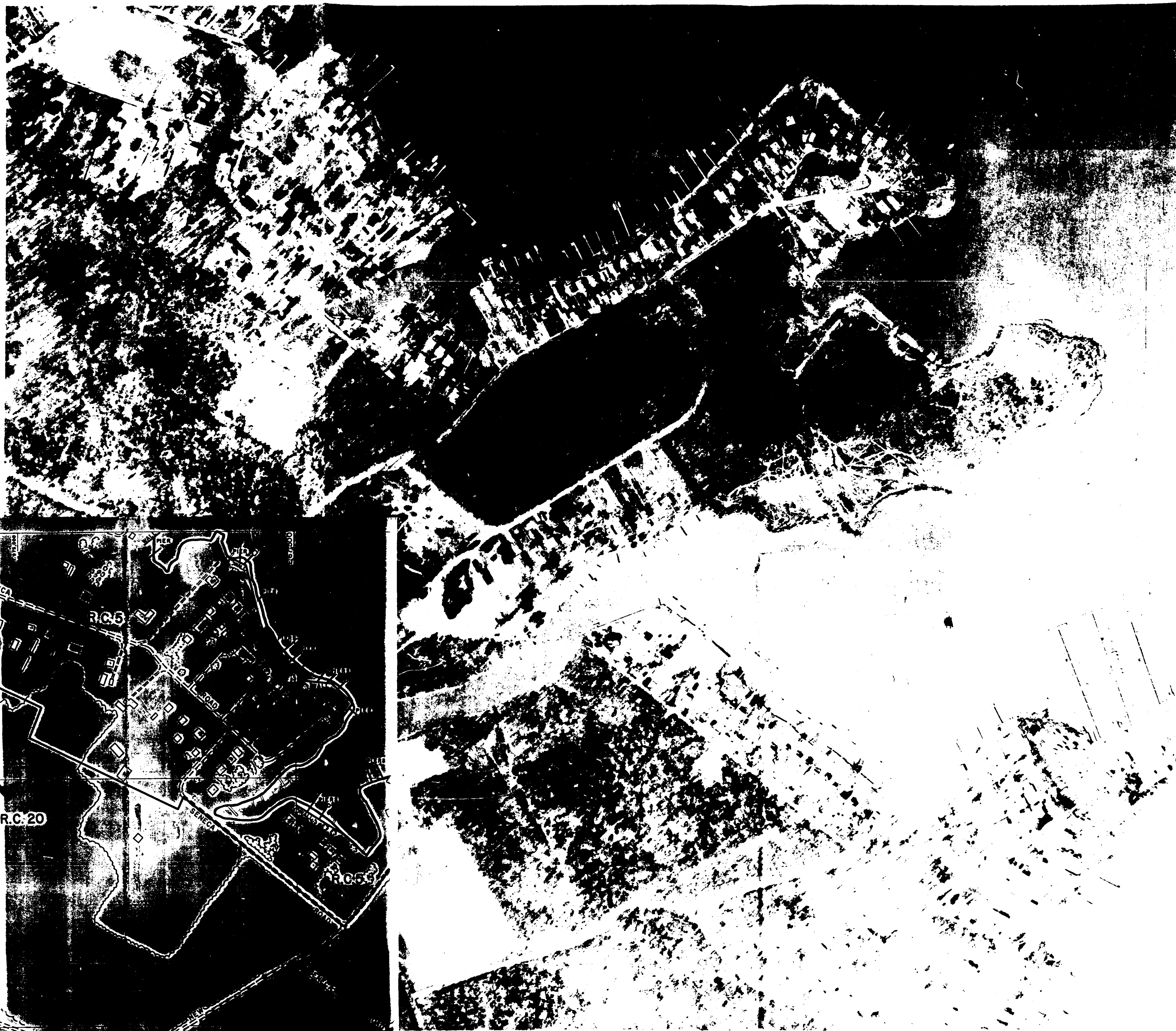
PETITIONER'S EXHIBIT #



CRITICAL AREA

76





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200' ±

LOCATION  
BOWLEYS QUARTERS

SHEET  
N.E.  
2-L

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

92-65-A

CRITICAL AREA